

REMARKS

Reconsideration and allowance of the Claims of the present invention is respectfully requested. Claims 1, 3 and 5 have been amended above.

Rejection Under 35 U.S.C. 102(b)

Claims 1, 2, 4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis (U.S. Patent 5,060,314, herein referred to as D1).

Claim 1 now recites at least one of said upper plate formed armour cover parts 16a, 16b is arranged in partly overlapping relationship to at least one of said lower plate-formed armour cover parts 17, 18 to allow a sliding relationship." Claims 2, 4 and 9 either directly or indirectly depend on Claim 1; as such, they contain all the limitations of Claim 1.

In contrast, D1 does not disclose a sliding relationship of upper and lower armour cover parts. The front section of the waistcoat 10 disclosed in D1 is made of at least two cover parts 14 and 16 (col. 3, line 1-3). S is a ballistic insert; it is not a cover part. Col. 3, line 63-col. 4, line 11, of D1 clearly says that parts 14 and 16 are secured together by Velcro® fastening means 35. Therefore, parts 14 and 16 are not allowed to slide over each other. Moreover, an attachment flap 36, "a secondary flap-locking feature", also provided with Velcro® fastening means 38, can be added. For the same reason (i.e., the intrinsic nature of Velcro®), part 36 is not allowed to slide either over part 14 or over part 16.

Part 62 (the groin pad) of the waistcoat 10 of D1 can be deemed to be part of the front section. It is attached to parts 14 and 16 so as to remain parallel to the legs when the wearer sits down. Therefore, part 62 can move in relation to parts 14 and 16, but in a rotating way with respect to these parts, not in a parallel way with respect to them. Part 62 is not allowed to slide over either part 14 or over part 16. When the wearer sits, part 62 is perpendicular to parts 14 and 16.

Thus, none of the parts constituting the front section of the waistcoat 10 of D1 are allowed to slide over any other part constituting its front section.

An anticipation rejection requires a showing that each limitation of a claim must be found in a single reference. In re Donohue, 226 U.S.P.Q. 619,

621 (Fed. Cir. 1985). Exclusion of a claimed element or feature from a prior art reference is enough to negate anticipation by that reference. Atlas Powder Company vs. E. I. du Pont de Nemours and Company, 224 U.S.P.Q. 409, 411 (Fed. Cir. 1984).

As such, this rejection should be withdrawn.

Rejection Under 35 U.S.C. 103(a)

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (U.S. Patent 5,060,314, herein referred to as D1) in view of Granqvist (U.S. Patent 5,903,920, herein referred to as D2). The rejection states:

Lewis discloses the invention as set forth above except for ... showing the ballistic material being formed from a plurality of sewn layers that is resistant to penetration of a knife.

Granqvist discloses a ballistic garment (1) including a first protecting ballistic material (3) being formed by a plurality of sewn layers (3a-3z) that is resistant to penetration of a knife, col. 2, lines 28-36

It would have been obvious to one skilled in the art at the time of the invention to recognize that the armor parts of Granqvist are conventionally formed of plurality of sewn layers as taught by Granqvist, in order to protect the user from being stabbed or depending on the particular application thereof.

It is respectfully submitted that neither of these applied references disclose or teach a waistcoat comprising at least one upper plate formed armour cover part 16a, 16b arranged in partly overlapping relationship to at least one lower plate-formed armour cover part 17, 18 to allow a sliding relationship as now recited by sole independent Claim 1.

Applicants respectfully traverse the Examiner's obviousness rejection. The cited references do not teach or suggest the claimed improvement. No suggestion can be found in any of the references for making the combination suggested by the Examiner. Even if the references were considered in combination by one of ordinary skill in the art, the claimed invention would not have been and is not obvious therefrom. In view of these facts, the Examiner has not established a prima facie case of obviousness.

For the reasons explained in reply to the rejection under 35 U.S.C. 102 above, D1 does not disclose a waistcoat comprising at least one upper plate formed armour cover part 16a, 16b arranged in partly overlapping relationship to at least one lower plate-formed armour cover part 17, 18 to allow a sliding relationship as recited by sole independent Claim 1.

D2 is not applied opposite sole independent Claim 1 and, accordingly, is not pertinent.

As shown above, if combined, the teachings of the applied references fall far short of teaching Applicants claimed invention.

As such, it is respectfully submitted that this rejection is unjustified and should be withdrawn.

Allowable Subject Matter

Claims 3, 5-8 and 12-14 are objected to as being dependent upon a rejected base claim. However, the Examiner indicates that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Such indication is gratefully acknowledged.

In response, Claims 3 and 5 have been rewritten in independent form including all of the limitations of Claim 1.

As such, Claims 3, 5-8 and 12-14 should now be in condition for allowance.

Authorization to Charge Deposit Account

If any fee is required related to this REPLY, please charge it to Deposit Account Number 04-1928.

Conclusion

The foregoing reasons are believed to comprise a full and complete response to the outstanding non-final Examiner's Office Action. Further, it is submitted that any basis for the rejections of the Claims has been obviated. Thus, Claims 1-14 are respectfully submitted to be in condition for allowance. Favorable reconsideration with subsequent allowance of Claims 1-14 is

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respectfully requested. If any matter remains to be resolved before allowance, the Examiner is encouraged to call Applicants' attorney at the number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John E. Griffiths". The signature is fluid and cursive, with the first name "John" being the most prominent.

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